

A bill to be entitled an act to provide for the annual apportionment of the available public free school fund to the various counties, cities and towns which have assumed separate control of their schools, and to the various school districts and communities in the different counties, was lost.

On motion of Senator Davis,  
The Senate adjourned till 9:30 o'clock to morrow morning.

### NINETEENTH DAY.

Senate Chamber, }  
Austin, May 9, 1888. }

The Senate met pursuant to adjournment.

Senator Woods, president pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the chaplain, Dr. R. K. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Glasscock,

The further reading of the same was dispensed with.

### REPORTS OF STANDING COMMITTEES.

BY SENATOR JARVIS:

Committee Room, }  
Austin, May 8, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on Finance, to whom was referred Senate bill No. 49, entitled

An act to amend article 4767 of the Revised Civil Statutes, providing for the compensation of tax collectors, have had the same under consideration, and instruct me to report it back to the Senate with the accompanying substitute for the same, with the recommendation that the substitute do pass.

A bill to be entitled,

An act to amend article 4767 of the Revised Civil Statutes regulating the fees of tax collectors, approved April 17, 1883.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time with substitute.  
On motion of Senator Bell,

The House was requested to return House bill No. 48 for correction.

### SPECIAL ORDER.

Senate bill No. 24.

A bill to be entitled an act to amend title 95 of the Revised Civil Statutes by amending article 4748, as amended by the acts of the regular session of the Twentieth Legislature, 1887, on page 127, so as to provide for a more thorough and efficient means for the collection of taxes, was taken up as the special order and read the third time.

SENATOR BAKER

Spoke in favor of the bill.

SENATOR BELL

Spoke in opposition to the bill, and offered the following amendment:

Strike out all after the figures 4748, in line 5, to and including the word "and," in line 7, and strike out the words "or is," in line 9.

SENATOR BELL

Spoke in favor of his amendment.

SENATOR M'DONALD

Opposed the amendment.

SENATOR LANE

Moved to amend the amendment, by adding thereto the following, and by adding to the end of the bill the following:

Provided, all taxes upon such personal property shall be a preference lien thereon, until the taxes shall have been paid.

SENATOR LANE

Favored his amendment.

SENATORS GREGG AND BAKER

Opposed it.

The amendment to the amendment was lost.

SENATOR FIELD

Moved to amend the amendment offered by Senator Bell by inserting after the word costs in line 13, section 1 the following words: "And the State and county shall have a prior

lien on all such property for the payment of such taxes and costs."

**SENATOR GREGG**

Made the point of order that the amendment offered by Senator Field was out of order because it sought the same change as was intended by the amendment just lost.

The chair held that the point of order was not well taken.

**SENATORS BELL, ALLEN, TERRELL AND**

**MACMANUS**

Opposed the amendment.

**SENATOR FIELD**

Favored the amendment.

**SENATOR ALLEN**

Moved to recommit the bill to Finance committee.

**SENATORS HOUSTON, FRANK, BAKER,**

**GLASSCOCK AND CLAIBORNE.**

Opposed a recommittal.

**SENATOR ALLEN**

Favored his motion.

The motion was lost.

**SENATOR BELL**

Accepted the amendment offered by Senator Field.

**SENATOR SIMKINS**

Called for a division.

**SENATOR LANE**

Moved to amend the amendment by striking out the words "or is" in the amendment.

**SENATOR TERRELL**

Raised the point of order that an amendment was not in order after a division had been called for.

The chair sustained the point of order.

**SENATOR FIELD**

Spoke in favor of a division.

**SENATOR HOUSTON**

Made the point of order that a division was impracticable, because, if one portion of the amendment was adopted and another portion was lost, it would render the bill unintelligible.

The chair held that the point of order was not well taken.

**SENATOR BELL**

Spoke in favor of his amendment.

**SENATOR BURGESS**

Moved the previous question on the amendment and the bill.

Seconded.

The main question was ordered by the following vote:

**Yeas—15.**

Allen	Glasscock
Armistead	Houston
Baker	Jarvis
Burges	Knittle
Claiborne	Lane
Davis	Pope
Douglas of J	Stinson
Field	

**Nays—12.**

Bell	Gregg
Calhoun	McDonald
Camp	Simkins
Douglass of G	Terrell
Frank	Woods
Garrison	Woodward

**Absent—1.**

Macmanus

The question was divided and the first, second and third portions of the amendment were lost.

The Senate refused to pass the bill by the following vote:

**Yeas—18.**

Allen	Garrison
Baker	Glasscock
Calhoun	Houston
Claiborne	Simkins
Douglass of J	Woods
Field	Woodward
Frank	

## Nays—15.

Armistead	Knittle
Bell	Lane
Burges	McDonald
Camp	Macmanus
Davis	Pope
Douglass of G	Stinson
Gregg	Terrell
Jarvis	

## SENATOR LANE

Entered a motion to reconsider the vote just taken.

## MESSAGE FROM THE HOUSE:

House of Representatives, }  
May 9, 1888. }

Honorable T. B. Wheeler, President of the Senate.

Sir—I am directed by the House to return to the Senate, for correction by your honorable body, House bill No. 48,

An act to provide for the speedy payment of the outstanding warrants held by the several counties against the available public free school fund.

WILL LAMBERT,  
Chief Clerk House of Representatives.

## SENATOR BURGESS

Called up Senate concurrent resolution No. 5.

Requesting our Senators and Representatives in Congress to use their utmost efforts with the administration to secure the retention of the present number of regiments, and especially the present cavalry force, now on duty in the department of Texas.

## SENATOR FIELD

Opposed the resolution.

SENATORS MACMANUS, BURGESS AND

## HOUSTON

Spoke in favor of the resolution.

## SENATOR ARMISTEAD

Moved to

Amend by striking out all of the last whereas clause and insert in lieu thereof

Whereas, the reduction of the present force would be most unfortunate

for the interest of our people, and would impair its efficiency for the defense of our border and endanger the security of the life and property of our citizens.

On motion of Senator Macmanus,  
The amendment was adopted.  
The resolution was adopted.

## BILLS ON THIRD READING.

Senate bill No. 34.

A bill to be entitled:

An act to constitute a board to contract for certain repairs on the building of the general land office of the State of Texas, and to construct a neat, substantial iron fence around the public grounds of said building and making an appropriation therefor, was laid before the Senate and read the third time.

SENATORS JARVIS AND CLAIBORNE

Opposed the passage of the bill.

## SENATOR GLASSCOCK

Favored it.

## SENATOR CLAIBORNE

Moved to strike out \$6,000 in lines 1 and 2, in section 3, of the manuscript bill.

## SENATOR CLAIBORNE

Favored his amendment.

## SENATOR GLASSCOCK

Opposed the amendment.

The amendment was lost by the following vote:

Yeas—None

Nays—28.

Allen	Glasscock
Armistead	Gregg
Baker	Houston
Bell	Jarvis
Burges	Knittle
Calhoun	Lane
Camp	McDonald
Claiborne	Macmanus
Davis	Pope
Douglass of J	Simkins
Douglass of G	Stinson
Field	Terrell
Frank	Woods
Garrison	Woodward

The bill was passed by the following vote:

Yeas—26.

Allen	Glasscock
Armistead	Gregg
Bell	Houston
Burges	Jarvis
Calhoun	Knittle
Camp	Lane
Claiborne	McDonald
Davis	Macmanus
Douglass of J	Pope
Douglass of G	Stinson
Field	Terrell
Frank	Woods
Garrison	Woodward

Nays—None.

Absent—2.

Baker Simkins

#### PRIVILEGED REPORTS.

SENATOR FRANK

Sent up the following privileged reports:

Committee Room, }  
Austin, May 9, 1888. }  
Honorable T. B. Wheeler, President of the Senate:  
Sir—Your committee on Engrossed Bills have carefully examined and compared Senate bill No. 41, being  
An act to amend article 417, chapter 4, title 13, of the Penal Code of the State of Texas, and find the same correctly engrossed.

FRANK, chairman.

Committee Room, }  
Austin, May 9, 1888. }  
Honorable T. B. Wheeler, President of the Senate:  
Sir—Your committee on Engrossed Bills have carefully examined and compared Senate bill No. 50, being  
An act to amend article 1034, of the Revised Civil Statutes of the State of Texas, relating to appeals and writs of error from the district and county courts to the Supreme Court and Court of Appeals of the State, and find the same correctly engrossed.

FRANK, chairman.

#### BILLS ON SECOND READING.

On motion of Senator Lane,

The regular order of business was suspended, and Senate bill No. 40,

A bill to be entitled,

An act to make an appropriation and to further provide for the erection of three statues in memory of General Sam Houston, General Stephen F. Austin and General Thos. J. Rusk, at the new State capitol building in the city of Austin, Travis county, Texas,

Was taken up and read second time, with committee amendments.

The committee amendments were adopted.

SENATOR ALLEN

Moved to strike out of the caption of the bill all that part of the bill relating to Austin and Rusk.

SENATOR LANE

In the chair.

SENATOR ALLEN

Favored the amendment.

SENATOR ARMISTEAD

Opposed the amendment and the bill.  
The amendment was lost.

SENATOR GREGG

Made the point of order that the bill did not come within the purview of the governor's proclamation.

The chair held that the point of order was not well taken.

SENATOR CLAIBORNE

Spoke in favor of the bill.

SENATOR WOODS

President pro tem in the chair.

SENATOR LANE

Offered the following amendment:

Amend the bill by adding another section which shall read as follows:

Whereas, the time for the close of this session of the Legislature is near at hand, and thereby it is rendered impossible that this bill can pass at this session unless the constitutional rule requiring that bills be read on three several days is suspended, and

Whereas, it is of great public neces-

sity that the State of Texas should show, by the passage of this bill, the proper and due respect to the memories of her three great and honored sons;

Therefore, said rule is hereby suspended, and this rule shall take effect from and after its passage.

Adopted.

SENATOR CALHOUN

Opposed the bill.

SENATOR LANE

Favored the bill.

The Senate refused to engross the bill by the following vote:

Yeas—9.

Baker	Macmanus
Claiborne	Pope
Field	Stinson
Glasscock	Woodward
Lane	

Nays—13.

Allen	Frank
Armistead	Garrison
Calhoun	Gregg
Camp	Jarvis
Davis	Terrell
Douglass of J	Woods
Douglass of G	

Absent—2.

Houston	Simkins
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Senator Bell was paired with Senator Burges, the former would have voted nay, the latter yea.

Senator McDonald was paired with Senator Knittle, the former would have voted nay, the latter yea.

On motion of Senator Armistead, Substitute House bills Nos. 5, 6 and 11, entitled.

An act to authorize the commissioner of agriculture, insurance, statistics and history to have a geological and mineralogical survey made of the State of Texas, and to make an appropriation therefor, was made the special order for to-morrow.

On motion of Senator Garrison,

The regular order of business was suspended, and

Senate bill No. 42,

A bill to be entitled an act to amend

section 4, of an act entitled an act to authorize and require the county commissioners' courts of the several counties of the State to provide for the payment of all claims due teachers of public free schools, audited as valid claims under acts of the Legislature of Texas, approved August 7, 1876, or April 22, 1879, and to audit and pay such claims as should have been presented to, and audited by the auditorial board, provided by said act approved April 2, 1883, was taken up and read the second time.

SENATOR BELL

Moved to

Amend by adding section — to read as follows:

Section 2. The near approach of the close of the session rendering it impossible that this bill be read on three several days creates an imperative public necessity and emergency, demanding the suspension of the rule requiring bills to be read on three several days, and such rule is suspended.

Adopted.

The bill was ordered engrossed.

On motion of Senator Bell the constitutional rule was suspended and the bill placed on its third reading and final passage by the following vote:

Yeas—23.

Allen	Frank
Armistead	Garrison
Baker	Glasscock
Bell	Houston
Burges	Jarvis
Calhoun	Knittle
Camp	McDonald
Claiborne	Macmanus
Davis	Terrell
Douglass of J	Woods
Douglass of G	Mr. President
Field	

Nays—None.

Absent—5.

Gregg	Simpkins
Lane	Woodward
Pope	

The bill was read third time and passed.

On motion of Senator Claiborne,

The Senate adjourned till 9:30 to-morrow morning.